IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 831/2005
(Ramlal Vs. Nandu)

Date of Order : 29/08/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Manish Pitaliya for the petitioner.
Mr. Ashok Upadhyay, public prosecutor.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 03.07.2004 passed by Additional Sessions Judge No.1, Chittorgarh (for short 'the revisional court' hereinafter), whereby the revision petition filed by the petitioner against the order dated 05.12.2003 passed by Additional Chief Judicial Magistrate No.2, Chittorgarh (for short 'the trial court' hereinafter) was dismissed.

I have heard learned counsel for the petitioner. Carefully gone through the orders passed by both the courts below.

On an application filed by non-petitioner under Section 125 Cr.P.C., the trial court vide order dated 05.12.2003 granted monthly allowance of maintenance @ Rs. 300/- in favour of non-petitioner and against the petitioner from the date of application.

It is contended by counsel for the petitioner that the trial court fell in error in awarding maintenance from the date of application.

The contention raised by the counsel for the petitioner cannot be accepted in view of Division Bench decision of this Court in Smt. Savita Sharma Vs. Shri Krishan Murari 1990 (1) RLR 400.

In the circumstances, therefore, no case for interference is made out. The petition is dismissed. Stay petition also stands dismissed.

(H.R.PANWAR),J.

rp